

WEDNESDAY, APRIL 15, 1981
THIRTY-FOURTH LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Rabbi Zalman I. Posner, Congregation Sherith Israel, Nashville, Tennessee.

Representative Murphy (Davidson) led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 98

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

The Speaker announced that Representative Jones was excused because of business.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

924—To provide for study, water resources; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to trasmit to the House, Senate Bills Nos.

158—To amend Title 4, Chapter 29, Part 2, Title 4, Chapter 3 and Title 12, Code;

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367—To amend Title 40, Code; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

217—To make certain provisions, Board of Standards; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 141, 253, 320, 353, 417, 509, 569, 612, 661, 663, 939, 942, 1027, 1243, 1245, 1246, 1252, 1255, 1258 and 1259; also; House Joint Resolutions Nos. 126, 131, 133, 134, 136, 138, 139, 140, 141, 142, 143, 153 and 160; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 141, 253, 320, 353, 417, 509, 569, 612, 661, 663, 939, 942, 1027, 1243, 1245, 1246, 1252, 1255, 1258 and 1259; and House Joint Resolutions Nos. 126, 131, 133, 134, 136, 138, 139, 140, 141, 142, 143, 153 and 160; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

32—To create juvenile court, Rhea County; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 87 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 134, 138,

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209, 217, 221, 238, 319, 360, 361, 402, 448, 469, 471, 542, 620, 662, 704, 747, 748, 963, 991, 1177 and 1178; also, Senate Joint Resolution No. 96; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 32 and 217; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 32 and 217; Senate Bills Nos. 134, 138, 209, 217, 221, 238, 319, 360, 361, 402, 448, 469, 471, 542, 620, 662, 704, 747, 748, 963, 991, 1177 and 1178; and Senate Joint Resolution No. 96.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1250, 1257 and 1260 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following bill on the Consent Calendar:

Mr. Copeland objected to House Bill No. 1269.

Under the rules, House Bill No. 1269 was placed at the foot of the Calendar for Thursday, April 16, 1981.

House Joint Resolution No. 88—Relative to implementation, Educational Television Network Act.

Senate Joint Resolution No. 50—Relative to urging Congress, continue support, synthetic fuels industry.

Senate Joint Resolution No. 41—Relative to study, hunting, state-owned land.

Senate Joint Resolution No. 54—Relative to confirming appointment, John D. Graham.

Senate Joint Resolution No. 53—Relative to confirming appointment, Lester Hill.

House Bill No. 443—To amend Section 8-7-201, Code.

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House Bill No. 1022—To rename "Town of Ripley".

On motion, House Bill No. 1022 was made to conform with Senate Bill No. 1229.

On motion, Senate Bill No. 1229, on same subject, was substituted for House Bill No. 1022.

House Bill No. 1134—To compensate Commissioners of Poor, certain counties.

On motion, House Bill No. 1134 was made to conform with Senate Bill No. 425.

On motion, Senate Bill No. 425, on same subject, was substituted for House Bill No. 1134.

House Bill No. 1229—To increase litigation tax, Loudon County.

House Bill No. 1247—To amend Charter, Lebanon.

House Bill No. 1248—To repeal Chapter 381, Private Acts, 1972.

House Bill No. 1261—To amend certain acts relative to Federal Census.

House Bill No. 1262—To impose privilege tax, Morgan County.

House Bill No. 1263—To make certain regulations, Madison County.

House Bill No. 1264—To create, Board of Education, Hardeman County.

House Bill No. 1266—To amend Charter, Alcoa.

House Bill No. 1268—To create Gadsden Special School District.

House Bill No. 1271—To compensate the mayor of the City of Trenton.

Senate Joint Resolution No. 91—Relative to congratulating Coach Jerry White and basketball team.

Senate Joint Resolution No. 93—Relative to honoring Dr. J. Eldred Wiser.

Senate Joint Resolution No. 95—Relative to commending Bonnie Shannon.

Senate Joint Resolution No. 97—Relative to commending Lewis R. Donelson.

Senate Joint Resolution No. 98—Relative to commending William B. Sansom.

Senate Joint Resolution No. 101—Relative to congratulating Coach Buck Van Huss and boys basketball team.

Senate Joint Resolution No. 102—Relative to congratulating Lewis H. Conner, Jr.

Senate Joint Resolution No. 103—Relative to sympathy, Mrs. Jo Anne Clark.

Senate Joint Resolution No. 104—Relative to congratulating Coach Horace Burchett and girls basketball team.

Senate Joint Resolution No. 105—Relative to congratulating Coach Fred Horton and boys basketball team.

Senate Joint Resolution No. 106—Relative to welcoming former President Gerald Ford.

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House Resolution No. 27—Relative to honoring Dr. John Gaventa.

House Joint Resolution No. 168—Relative to expressing sorrow, Dr. Walter L. Diveley.

House Joint Resolution No. 169—Relative to honoring Charles Moore.

House Joint Resolution No. 170—Relative to expressing sorrow, Raymond I. "Brick" Brahams Jr.

House Joint Resolution No. 172—Relative to congratulating Milan High School girls basketball team.

House Joint Resolution No. 173—Relative to honoring Phillip Mattingly.

House Joint Resolution No. 175—Relative to commending members, supervisory training.

House Joint Resolution No. 177—Relative to honoring Lady Volunteers.

House Joint Resolution No. 179—Relative to honoring Giles County High School Girls basketball team.

House Joint Resolution No. 180—Relative to honoring coach, Richland High School girls basketball team.

House Joint Resolution No. 181—Relative to memory J. W. Gallagher.

House Joint Resolution No. 182—Relative to honoring Anita Knight.

House Joint Resolution No. 183—Relative to honoring Tennessee Temple University basketball team.

House Joint Resolution No. 184—Relative to honoring Baylor High School wrestling team.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

A motion to reconsider was tabled.

CALENDAR

Ms. Gaia moved that House Bill No. 85 be placed on the Calendar for Wednesday, April 29, 1981, which motion prevailed.

Mr. Cobb moved that Senate Bill No. 598 be placed on the Calendar for Thursday, April 23, 1981 which motion prevailed.

House Bill No. 276—To regulate sick leave, certain employees.

Mr. Dills moved that House Bill No. 276 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 276 by deleting at the end of Section 1 the following: "December 31, 1970" and substituting instead the following: July 1, 1955

On motion, the amendment was adopted.

Thereupon, House Bill No. 276, as amended, passed its third and final consideration by the following vote:

Ayes	75
Noes	17
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bivens, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—75.

Representatives voting no were: Bell (Knox), Bewley, Bragg, Carter, Chiles, Copeland, Duer, Ford, Henry (Roane), Huskey, McAfee, Montgomery, Percy, Scruggs, Smith, Ussery and Wood—17.

Representatives present and not voting were: Frensley and Stafford—2.

A motion to reconsider was tabled.

House Bill No. 723—To make certain provisions, fur dealers.

On motion, House Bill No. 723 was made to conform with Senate Bill No. 1176.

On motion, Senate Bill No. 1176, on same subject, was substituted for House Bill No. 723.

Mr. Johnson moved that Senate Bill No. 1176 be passed on third and final consideration.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1176 by deleting the following from the amendatory language of Section 1:

The license fees for fur dealers are, as follows:

1. Primary fur dealer \$ 50.00
2. Secondary fur dealer 200.00

and by substituting instead the following:

The license fees for resident fur dealers are, as follows:

1. Primary fur dealer \$ 50.00
2. Secondary fur dealer 200.00

The license fees for non-resident fur dealers shall be the same as the fee which would be charged for a comparable license in such non-resident's state of residence for a citizen of Tennessee; provided, however, that no person shall be charged a fee less than the fee established for Tennessee residents pursuant to this act, notwithstanding such comparable license fee.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1176, as amended, passed its third and final consideration by the following vote:

Ayes	89
Noes	1
Present and not voting	5

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter—89.

Representative voting no was: Yelton—1.

Representatives present and not voting were: Burnett, Frensley, McNally, Pickering and Spence—5.

A motion to reconsider was tabled.

On motion, Senate Bill No. 372 was recalled from the Committee on State and Local Government.

House Bill No. 1130—To amend Section 8-22-107 and 8-22-108, Code.

On motion, House Bill No. 1130 was made to conform with Senate Bill No. 372.

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On motion, Senate Bill No. 372, on same subject, was substituted for House Bill No. 1130.

Mr. Sterling moved that Senate Bill No. 372 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 635—To make certain provisions, mentally ill persons.

On motion, House Bill No. 635 was made to conform with Senate Bill No. 208.

On motion, Senate Bill No. 208, on same subject, was substituted for House Bill No. 635.

Mr. Sterling moved that Senate Bill No. 208 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

A motion to reconsider was tabled.

House Bill No. 456—To regulate eminent domain proceedings by drainage districts.

On motion, House Bill No. 456 was made to conform with Senate Bill No. 646.

On motion, Senate Bill No. 646, on same subject, was substituted for House Bill No. 456.

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Mr. Dills moved that Senate Bill No. 646 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	18
Present and not voting	3

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Hillis, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Small, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—76.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, DeBerry, Duer, Henry (Roane), Hudson, Kelley, McAfee, Owen, Robertson, Scruggs, Smith, Spence, Ussery, Webb and Withers—18.

Representatives present and not voting were: Brewer, Duncan and Henry (Blount)—3.

A motion to reconsider was tabled.

House Bill No. 1234—To amend Section 57-3-106, Code.

On motion, House Bill No. 1234 was made to conform with Senate Bill No. 310.

On motion, Senate Bill No. 310, on same subject, was substituted for House Bill No. 1234.

Mr. Work moved that Senate Bill No. 310 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 310 by adding the following as a new section to be appropriately designated immediately preceding the effective date section, renumbering the effective date section accordingly:

SECTION . Tennessee Code Annotated, Section 57-3-106, subsection (b), item (1), is further amended by deleting the following language from the first sentence.

not less than 12,100 nor more than 12,200;

not less than 23,500 nor more than 24,000; and

AND FURTHER AMEND by deleting the words and figures “according to the federal census of 1970” where they appear in succession in the first sentence of Section 57-3-106, subsection (b), item (1), and substituting instead the words and figures “according to the 1970 federal census of population or any subsequent federal census”,

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 310, as amended, passed its third and final consideration by the following vote:

Ayes	82
Noes	10
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Ford, Frensley, Gaia, Gill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Spence, Starnes, Sterling, Tanner, Ussery, Webb, Wheeler, Whitson, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter—82.

Representatives voting no were: Duer, Duncan, Harrill, Henry (Blount), Lashlee, McAfee, Stafford, Stallings, Wallace and Wolfe—10.

Representatives present and not voting were: Dills, Shockley and Small—3.

A motion to reconsider was tabled.

House Bill No. 843—To regulate redeeming of food coupons.

Mr. Ford moved that House Bill No. 843 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

Mr. Burnett moved that House Bill No. 446 be placed on the Calendar for Wednesday, April 29, 1981, which motion prevailed.

Mr. Smith moved that House Bill No. 900 be placed on the Calendar for Thursday, April 23, 1981, which motion prevailed.

House Bill No. 897—To regulate hunting and chasing raccoons.

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Mr. Robertson moved that House Bill No. 897 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives voting no were: Copeland, DeBerry, Pruitt and Spence—4.

A motion to reconsider was tabled.

Mr. Work moved that House Bill No. 973 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1089—To designate “Coleman Winston Memorial Bridge,” Trousdale County.

Mr. Bell (Wilson) moved that House Bill No. 1089 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 679—To amend Section 55-10-303, Code.

On motion, House Bill No. 679 was made to conform with Senate Bill No. 641.

On motion, Senate Bill No. 641, on same subject, was substituted for House Bill No. 679.

Mr. Turner moved that Senate Bill No. 641 be passed on third and final consideration,

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which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

Mr. Turner moved that House Bill No. 683 be placed on the Calendar for Thursday, April 23, 1981, which motion prevailed.

House Bill No. 755—To amend Section 33-604, Code.

Mr. Turner moved that House Bill No. 755 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

House Bill No. 680—To amend Chapter 62, Public Acts, 1971.

Mr. Turner moved that House Bill No. 680 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,

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Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

A motion to reconsider was tabled.

House Bill No. 1095—To provide for recall elections, municipalities.

Mr. Rhinehart moved that House Bill No. 1095 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	78
Noes	16
Present and not voting	3

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Shockley, Small, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Webb, Wheeler, Whitson, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter—78.

Representatives voting no were: Baker, Bell (Knox), Buck, Crain, Duer, Duncan, Harrill, Hudson, Lowe, Scruggs, Severance, Smith, Spence, Stafford, Wallace and Wolfe—16.

Representatives present and not voting were: Bragg, Burnett and Miller—3.

A motion to reconsider was tabled.

House Bill No. 665—To make provisions, funds collected Alcoholic Beverage Commission.

On motion, House Bill No. 665 was made to conform with Senate Bill No. 601.

On motion, Senate Bill No. 601, on same subject, was substituted for House Bill No. 665.

Mr. Chiles moved that Senate Bill No. 601 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark

(Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 995—To regulate letting of highway contracts.

Mr. Ussery moved that House Bill No. 995 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 995 by deleting the words “department of transportation” in the amendatory language of subsection (a) of Section 1 and substituting instead the words “state”, and by deleting the words “such department” from the first sentence of such subsection and substituting instead the words “the state”.

AND FURTHER AMEND by deleting the words “department of transportation” in items (1) through (7) of the amendatory language of subsection (a) of Section 1, and in the amendatory language of subsection (d) of Section 1, and substituting instead the words “state of Tennessee”.

AND FURTHER AMEND by deleting subsection (b) of Section 1 in its entirety and substituting instead the following:

(b) It shall be the responsibility of the attorney general to timely notify those state departments and agencies involved in letting or funding state contracts of those persons and business organizations ineligible to solicit employment on any contract let by the state or any contract funded wholly or in part by the state.

Mr. Miller moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by inserting the word “state” between the words “of the” and “attorney general” in the amendatory language of the third amendatory clause of amendment number one.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 995 by deleting the words and punctuation “Closely held corporations, in which there is no public issue or trading of voting shares,” and substituting instead the words and punctuation “Corporations, publicly or closely held,” in subdivisions (2) and (3) of subsection (a) of Section 1.

AND FURTHER AMEND by deleting the words "representative of such closely held corporation" and substituting instead the words "representative of such corporation" in subdivision (2) of subsection (a) of Section 1.

AND FURTHER AMEND by deleting subsection (d) of Section 1 in its entirety and substituting instead the following:

(d) No person or business organization shall be prohibited by this act from soliciting employment on any contract let by the state or any contract funded wholly or in part by the state due to a conviction resulting from activities engaged in prior to the effective date of this act.

AND FURTHER AMEND by deleting the period at the end of the first sentence of Section 1 (a) and substituting instead the following:

,except as provided in subsections (d) and (e) of this section.

AND FURTHER AMEND by adding the following subdivision to subsection (a) of Section 1:

(8) Succeeding or related corporations, partnerships, joint ventures, or other business organizations which have substantial factual or legal connections, continuity or identity with persons or organizations that have pleaded guilty or nolo contendere or have been convicted of violations of the Sherman Antitrust Act (15 U.S.C. §1), mail fraud (18 U.S.C. § 1341) or any other federal or state criminal statute in connection with contract let or funded wholly or in part by the state or arising out of official investigations of such offenses. Determination of factual or legal connection, continuity or identity under this subdivision shall be made by the state Attorney General upon request of the succeeding or related business organization.

AND FURTHER AMEND by adding the following new subsection to Section 1:

(e) The state Attorney General and the District Attorneys General in their respective districts shall have the authority to grant exemptions from the prohibitions on soliciting employment on certain contracts enumerated herein to persons giving information to such officials in a criminal investigation or testifying in a state criminal trial in connection with any contract let or funded wholly or in part by the state or in a criminal trial arising out of official investigations of such offenses, provided such information or testimony results in a conviction. Such officials shall also have the authority to grant such exemptions to persons giving information to such officials in a civil investigation or testifying in a lawsuit brought by the state under the provisions of the Sherman Antitrust Act (15 U.S.C. §1) or T.C.A. Title 69, Chapter 1 in connection with any contract let or funded wholly or in part by the state provided such information or testimony results in a monetary judgment for the state. Such exemptions may be total, limited to certain contracting agencies or departments, or limited in time.

On motion, the amendment was adopted.

Thereupon, House Bill No. 995, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamil-

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ton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 138—To qualify applicants of law licenses.

Mr. Starnes moved that House Bill No. 138 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

A motion to reconsider was tabled.

Mr. Severance moved that House Bill No. 451 be placed on the Calendar for Thursday, April 30, 1981, which motion prevailed.

House Bill No. 445—To amend the Bank Structure Act of 1974.

On motion, House Bill No. 445 was made to conform with Senate Bill No. 505.

On motion, Senate Bill No. 505, on same subject, was substituted for House Bill No. 445.

Mr. Burnett moved that Senate Bill No. 505 be passed on third and final consideration.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 505 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 45-2-1403 (a) (2) is amended by deleting the words and figures "January 1, 1982" and substituting instead the words and figures "January 1, 1985".

Section 2. This act shall take effect on becoming a law, the public welfare requiring it.

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On motion, the amendment was adopted.

Thereupon, Senate Bill No. 505, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensisley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representatives voting no were: DeBerry, Pruitt and Spence—3.

A motion to reconsider was tabled.

House Bill No. 793—To regulate granting of certain liquor licenses.

On motion, House Bill No. 793 was made to conform with Senate Bill No. 604.

On motion, Senate Bill No. 604, on same subject, was substituted for House Bill No. 793.

Mr. Cobb moved that Senate Bill No. 604 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 604 by deleting the words and figures “eight (8) years” from the amendatory language of Section 1 and substituting instead the words and figures “ten (10) years”.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 604, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensisley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart,

Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representatives present and not voting were: Small and Wolfe—2.

A motion to reconsider was tabled.

House Bill No. 792—To make certain provisions, liquor licenses.

Mr. Cobb moved that House Bill No. 792 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 792 by deleting the letter and punctuation “(b)” from the amendatory language of Section 1 and substituting instead the letter and punctuation “(d)”.

On motion, the amendment was adopted.

Thereupon, House Bill No. 792, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	6

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Stafford, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives voting no were: Duncan, McAfee, Shirley, Small, Stallings and Wolfe—6.

A motion to reconsider was tabled.

House Bill No. 413—To increase membership, prison agri-industries board.

Mr. Brewer moved that House Bill No. 413 be passed on third and final consideration.

Mr. DePriest moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 413 by deleting from the amendatory language of Section 1(b) the following:

and the administrative head of the department of agriculture at Middle Tennessee

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State University.

and by substituting in lieu thereof the following:

or his designee and the vice president for agriculture of the University of Tennessee, Knoxville, or his designee.

On motion, the amendment was adopted.

Mr. DePriest moved the previous question, which motion prevailed.

Thereupon, House Bill No. 413, as amended, passed its third and final consideration by the following vote:

Ayes	52
Noes	36
Present and not voting	7

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Brewer, Buck, Burnett, Carter, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Frensey, Gill, Harrill, Hillis, Jared, Kernell, King (Shelby), Love, Lowe, McAfee, McKinney, McNally, Martin, Murphy (Davidson), Murphy (Shelby), Murray, Phillips, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Spence, Starnes, Turner, Wheeler, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—52.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bragg, Chiles, Clark (Sumner), Davis (Gibson), Davis (Pickett), Duer, Duncan, Ford, Gaia, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Johnson, Kelley, Kent, Lashlee, Montgomery, Percy, Robertson, Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Tanner, Ussery, Wallace, Webb, Whitson and Wood—36.

Representatives present and not voting were: Dills, Miller, Moore, Naifeh, Owen, Small and Sterling—7.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 926

House Bill No. 926—To define aggravated kidnapping.

Mr. Davis (Hamilton) moved that House Bill No. 926 be passed on third and final consideration.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 926 by inserting in Section 1 (e) between the words “such offense shall” and “be a” the word “not”.

On motion, the amendment was adopted.

Mr. Owen moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 926 by inserting in the amendatory language of Section 1 under

paragraph (a) the following item:

(7) The victim is mentally incompetent and under the age of eighteen (18) years.

On motion, the amendment was adopted.

Thereupon, House Bill No. 926, as amended, passed its third and final consideration by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

A motion to reconsider was tabled.

House Bill No. 344—To provide reimbursement for transportation expenses, certain patients.

Mr. Wix moved that House Bill No. 344 be passed on third and final consideration.

Mr. Wix moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 344 in Section 2 by deleting the Code reference “33-306” in the amendatory language thereof and substituting instead the reference “33-603”.

On motion, the amendment was adopted.

Mr. Spence moved that House Bill No. 344 be re-referred to the Committee on Calendar and Rules.

Mr. Lashlee moved that the motion be tabled, which motion failed by the following vote:

Ayes	41
Noes	50
Present and not voting	3

Representatives voting aye were: Akard, Bell (Wilson), Brewer, Buck, Burnett, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Frensley, Gill, Hillis, Jared, Kent, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Miller, Montgomery, Murray, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Starnes, Sterling, Wheeler, Wix, Wolfe, Work and Mr. Speaker McWherter—41.

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Representatives voting no were: Baker, Bell (Knox), Bewley, Bivens, Bragg, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Disspayne, Duer, Duncan, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hurley, Huskey, Johnson, Kelley, Kernell, Lowe, McAfee, Moore, Murphy (Davidson), Murphy (Shelby), Naifeh, Owen, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Stafford, Stallings, Tanner, Turner, Wallace, Webb, Whitson, Withers, Wood and Yelton—50.

Representatives present and not voting were: Ellis, Hudson and Ussery—3.

Mr. Spence withdrew his motion to re-refer the bill.

Mr. Wix moved that House Bill No. 344 be placed on the Calendar for Thursday, April 23, 1981, which motion prevailed.

House Bill No. 1205—To permit prisoners to perform labor on roads.

Mr. Lashlee moved that House Bill No. 1205 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1205 by deleting the period at the end of amendatory Section 41-503 of Section 1 of the bill and substituting instead the following:

plus an additional amount to be determined by the commissioners of correction and transportation for the purpose of funding Section 41-504, but not to exceed ten percent (10%) of the amount paid by the department of transportation to the department of correction.

AND FURTHER AMEND in amendatory Section 41-504 of Section 1 of the bill by deleting the words and figures:

Out of the net profits to the state of Tennessee from the employment of prisoners under the Tennessee Code Annotated, Sections 41-501 - 41-503, there shall be kept and reserved in a special fund thirty-three and one-third percent (33-1/3%)

and substituting therefor the following:

The additional amount prescribed in Section 51-503, shall be kept and reserved in a special fund

AND FURTHER AMEND in amendatory Section 41-505 of Section 1 of the bill the second sentence thereof in its entirety.

AND FURTHER AMEND in amendatory Section 41-506 of Section 1 of the bill by deleting the words "the chairman of the county legislative body" and substituting instead the words "the county executive"

AND FURTHER AMEND in amendatory Section 41-506 of Section 1 of the bill by deleting the word "camps" and substituting therefor the word "quarters".

AND FURTHER AMEND by deleting amendatory Section 41-507 of Section 1 of the bill in its entirety and substituting therefor the following:

Section 41-507. The commissioner may, in his discretion, contract with a county for building highways, if such work is being done with state allocated funds. Such a

contract shall be made only upon the authority of the governor and upon the approval of the commissioner of transportation and all work under such contract shall be performed by inmates of the penitentiaries.

AND FURTHER AMEND by deleting amendatory Section 41-512 of Section 1 of the bill in its entirety.

AND FURTHER AMEND in amendatory Section 41-513 of Section 1 of the bill by deleting the words "suitable and comfortable camps and sanitary quarters" and substituting therefor the words "suitable quarters".

AND FURTHER AMEND in amendatory Section 41-513 of Section 1 of the bill by deleting the words "county roads" and substituting instead the words "state or county roads".

AND FURTHER AMEND in amendatory Section 41-513 of Section 1 of the bill by deleting the word "camps" and substituting instead the word "quarters".

AND FURTHER AMEND in amendatory Section 41-514 of the bill by deleting the word "camp" and substituting instead the word "quarters".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1205, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry, (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 604—To allow emergency removal of children from legal guardian.

Mr. Cobb moved that House Bill No. 604 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 604 by adding a sentence at the beginning of the amendatory language of Section 1 which states:

The court may make informal adjustment of such cases, prior to the filing of a petition, as is provided by Tennessee Code Annotated, Section 37-210.

AND FURTHER AMEND by adding to the end of the amendatory language in SECTION

2 the following:

The provisions of this subparagraph may be waived by express and knowing waiver, by the parties to an action including the parents, guardian or legal custodian and the child or guardian ad litem for the child if the child is of tender years. Any such waiver may be revoked at any time at which time the provisions of this section shall apply.

AND FURTHER AMEND by deleting SECTION 6 in its entirety and substituting instead:

SECTION 6. Tennessee Code Annotated, Section 37-217 is further amended by designating the present subsections (d) and (e) as subsections (e) and (f) and substituting the following subsection:

() If a child alleged to be dependent and neglected is removed from the custody of his parent, guardian or legal custodian prior to a hearing on the petition, a preliminary hearing shall be held no later than three (3) days after the child's removal, excluding Saturdays, Sundays and legal holidays, to determine whether his removal is required under Section 37-214. If the court determines that the child's removal is required under Section 37-214, the court may order that the child be placed in the custody of a suitable person, persons or agency, as specified in Section 37-216(d). The provisions of this subparagraph may be waived by express and knowing waiver, by the parties to an action including the parents, guardian or legal custodian and the child or guardian ad litem for the child if the child is of tender years. Any such waiver may be revoked at any time at which time the provisions of this section shall apply. The court shall make every effort to advise the parent, guardian or legal custodian, and the child himself, if fourteen (14) years of age or older or alleged to be delinquent or unruly, of the time, date, and place of the hearing and the factual circumstances necessitating the removal.

Mr. Cobb moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting from the amendatory language the words:

The court may make informal adjustment of such cases, prior to the filing of a petition, as is provided by Tennessee Code Annotated, Section 37-210.

and substituting instead;

The court may make informal adjustment of such cases as is provided by Tennessee Code Annotated, Section 37-210.

AND FURTHER AMEND by deleting the directory language which reads:

“**AND FURTHER AMEND** by adding to the end of the amendatory language in SECTION 2 the following:”

and substituting instead:

“**AND FURTHER AMEND** by adding to the end of the amendatory language in Section 1 the following:”

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Bill No. 604, as amended, passed its third and final consideration by

the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 1129—To amend Title 39, Chapter 42, Code.

Mr. Sterling moved that House Bill No. 1129 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives voting no were: Dills, Owen, Spence and Turner—4.

A motion to reconsider was tabled.

House Bill No. 927—To make provisions, certain city courts and judges.

On motion, House Bill No. 927 was made to conform with Senate Bill No. 308.

On motion, Senate Bill No. 308, on same subject, was substituted for House Bill No. 927.

Mr. Phillips moved that Senate Bill No. 308 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,

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Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 982—To make supplemental appropriations, State Government.

Mr. Henry (Blount) moved that House Bill No. 982 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

A motion to reconsider was tabled.

House Bill No. 1172—To provide penalty, altering merchandise labels and prices.

Mr. Kent moved that House Bill No. 1172 be passed on third and final consideration.

Ms. Gaia moved the previous question, which motion failed by the following vote:

Ayes	54
Noes	31
Present and not voting	12

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Chiles, Clark (Sumner), Copeland, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Henry (Blount), Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, McAfee, McNally, Martin, Montgomery, Moore, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Washington), Spence, Stafford, Stallings, Wallace, Webb, Whitson, Wix, Wood, Work and Yelton—54.

Representatives voting no were: Bell (Knox), Bragg, Brewer, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Ellis, Harrill, Henry (Roane), Hurley, King (Shelby), Lowe,

McKinney, Murphy (Davidson), Murphy (Shelby), Murray, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Smith, Sterling, Tanner, Wheeler and Withers—31.

Representatives present and not voting were: Burnett, Hillis, Hudson, Kernell, Love, Miller, Owen, Small, Turner, Ussery, Wolfe and Mr. Speaker McWherter—12.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1172 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 39-4235, is amended by adding the following language at the end of the section:

Any person willfully altering any label, price tag, or marking upon any merchandise not exceeding the value of one hundred dollars (\$100) offered for sale by any store with the intent of depriving the owner of all or some part of the value thereof, who conceals upon his person or attempts to purchase such merchandise on which such person has willfully altered the label, price tag, or marking, shall be guilty of the offense of shoplifting and shall be punished in accordance with the provisions of this section. Presentation of an improperly or altered price tag shall not be considered a presumption of guilt under this act.

Mr. Murphy (Davidson) moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the words and figures \$100 and substitute Two hundred (\$200) dollars

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Bill No. 1172, passed its third and final consideration by the following vote:

Ayes	97
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

Representative voting no was: Withers—1.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

Mr. Percy moved that House Bill No. 1275 be recalled from the Committee on Calendar and Rules for immediate consideration, which motion prevailed.

House Bill No. 1275—To authorize a tax on certain products, Carter County.

Mr. Percy moved that House Bill No. 1275 be passed on third and final consideration.

Mr. Percy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1275 by adding the following new section to be designated as Section 7 and by renumbering the remaining sections accordingly:

SECTION 7. Any tax levied by authority of this act shall not apply to any mineral products severed pursuant to any written contract entered into prior to the ratification of this act by the Carter County legislative body.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1275, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 647—To amend Section 45-2-602, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 647 in line two of the amendatory language of Section 1 after the phrase "credit insurance company" by inserting the phrase "whose capital meets or exceeds the requirements of Tennessee Code Annotated, Section 56-2-114".

AND FURTHER AMEND in line five of the amendatory language of Section 1 after the phrase "credit insurance companies" by inserting the phrase "whose capital meets or exceeds the requirements of Tennessee Code Annotated, Section 56-2-114".

SENATE AMENDMENT NO. 4

Amend House Bill No. 647 by deleting the words "This act shall take effect upon passage," and substituting instead the words "This act shall take effect on July 1, 1981," in the effective date section.

Mr. Naifeh moved that the House concur in Senate Amendments Nos. 1 and 4, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 1041

Senate Bill No. 1041—To amend Section 59-8-307(a), Code.

Mr. Covington moved that the House reconsider its action in passing Senate Bill No. 1041 on third and final consideration.

Mr. Robertson moved that the motion to reconsider be tabled, which motion prevailed by the following vote:

Ayes	59
Noes	28
Present and not voting	5

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Buck, Burnett, Chiles, Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Duer, Duncan, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, Lowe, McAfee, McNally, Moore, Murray, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Stallings, Sterling, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter—59.

Representatives voting no were: Bell (Wilson), Carter, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Ellis, Gaia, Kent, Kernell, King (Shelby), Love, McKinney, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Naifeh, Percy, Pickering, Pruitt, Robinson (Davidson), Shirley, Spence, Tanner, Turner and Yelton—28.

Representatives present and not voting were: Bragg, Montgomery, Owen, Richardson and Whithers—5.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 357—To allow county executives to officiate marriages.

SENATE AMENDMENT NO. 1

Amend House Bill No. 357 by adding the following new paragraph to the amendatory language of Section 1:

Tennessee Code Annotated, Section 36-415, is further amended by adding the following new sentence to the end of the first paragraph:

For the purpose of this section, the several judges of the United States courts, including United States Magistrates and United States Bankruptcy Judges, who are citizens of Tennessee are deemed to be judges of this state.

Mr. Robertson moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	93
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative voting no was: DeBerry—1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 600—To prohibit sale, certain metal beverage containers.

SENATE AMENDMENT NO. 1

Amend House Bill No. 600 by adding to Section 2 a new paragraph to read as follows:

“Nothing in this section shall prohibit the sale of fruit juices, fruit-ade and vegetable juices in containers the only detachable part of which is a piece of non-metallic tape.”

Mr. Scruggs moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	91
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,

Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussey, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

Representatives voting no were: DeBerry and Pruitt—2.

A motion to reconsider was tabled.

STATEMENT BY MR. COPELAND

Page 831 of the House Journal for April 9, 1981 appears to contain inaccurate entries regarding House Bill 146, in that it reflects actions of the House which never occurred.

It shows:

1. A motion to recall House Bill 146
2. House Bill 146 was returned at the request of the House
3. A motion to return House Bill 146 to the Senate.

I was present in the House Chamber during session of the above date; I heard no motion from the floor to recall House Bill 146 from the Governor's Office, neither did I hear a motion to return House Bill 146 to the Senate.

Though the Journal indicates both motions were made, I remember no opportunity to vote on them, nor does the Journal record a vote on them.

Pursuant to a motion which never occurred, the Governor's Office was advised that the House had requested that the bill be returned, and the Governor complied with that request.

At best, this chain of events constitutes a highly unorthodox procedure; at worst, that an individual member of this body could cause the full authority of this House to be invoked for any purpose raises serious questions about the security of our procedures and casts a cloud upon the integrity of the official record.

I request that the House Journal be corrected by striking from page 831

"On motion of Mr. Rhinehart, House Bill 146 was recalled from the Governor's office."
and

"On motion of Mr. Rhinehart, House Bill 146 was returned to the Senate as requested."

I further request that the Chair take appropriate action to establish necessary and proper procedures to address similar situations which might arise in the future.

Sincerely,

DAVID Y. COPELAND

SECOND ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

On motion of Mr. Naifeh, House Bill No. 509 was recalled from the Governor's Office for further consideration.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 190—Relative to honoring Dr. Clarence L. Ruffin—By King (Washington).

Under the rules, House Joint Resolution No. 190 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 191—Relative to placing monument, honoring George Michael Couch—By Shockley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Shockley, the resolution was adopted.

A motion to reconsider was tabled.

House Joint Resolution No. 192—Relative to tax relief, elderly low-income taxpayers—By Yelton, Akard, Shirley, Wheeler, Montgomery, Bivens, Whitson, Stallings, Hillis, Harrill, Buck, Wallace, Lashlee, Naifeh, Ellis, Moore, Davis (Hamilton), Robinson (Davidson), Spence, Crain, Davis (Gibson), Shockley, Johnson, Robinson (Washington), Percy, Wolfe, Davis (Pickett), Duer, Ussery, Small, Jared, DePriest, Gaia, Cobb, Burnett, Henry (Roane), Severance, Wix, Owen and Sterling.

The Speaker referred House Joint Resolution No. 192 to the Committee on Finance, Ways and Means.

INTRODUCTION OF BILLS

House Bill No. 1281—To amend Charter, Gallatin—By Wix.

Passed first consideration.

House Bill No. 1282—To provide litigation tax certain courts, Sumner County—By Wix and Clark (Sumner).

Passed first consideration.

House Bill No. 1283—To amend Charter, Portland—By Wix.

Passed first consideration.

House Bill No. 1284—To amend Charter, Pulaski—By DePriest.

Passed first consideration.

House Bill No. 1285—To amend Title 2, Chapter 9, Code—By Gill, Moore and Sterling.

Passed first consideration.

House Bill No. 1286—To provide mileage allowance, Assessor, Scott County—By Davis (Pickett).

Passed first consideration.

House Bill No. 1287—To set salary, county service officer, Scott County—By Davis (Pickett).

Passed first consideration.

House Bill No. 1288—To create Nashville and Eastern Railroad Authority—By Jared.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 158—To amend Title 4, Chapter 29, Part 2, Title 4, Chapter 3 and Title 12, Code.

Passed first consideration.

Senate Bill No. 367—To amend Title 40, Code.

Passed first consideration.

STANDING COMMITTEE REPORTS

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 892 and 1008 (with amendment) and further recommend that pursuant to House Rule No. 70, House Bill No. 892 be referred to the Committee on Finance, Ways and Means.

LASHLEE, Chairman.

Under the rules, House Bill No. 1008 was transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 892 to the Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report

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that we have carefully considered and recommend for passage: House Bills Nos. 56 (with amendment), 422, 744 (with amendment), 763, 962 (with amendment), 1004, 1009 (with amendment), 1031 and 1032.

BRAGG, *Chairman.*

Under the rules, House Bills Nos. 56, 422, 744, 763, 962, 1004, 1009, 1031 and 1032 were transmitted to the Committee on Calendar and Rules.

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bill No. 281.

STARNES, *Chairman.*

Under the rules, House Bill No. 281 was transmitted to the Committee on Calendar and Rules.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 213, 257 (with amendment), 822, 1138, 1240, and House Joint Resolution No. 128.

DAVIS (Hamilton), *Chairman.*

Under the rules, House Bills Nos. 213, 257, 822 and 1240, and House Joint Resolution No. 128 were transmitted to the Committee on Calendar and Rules.

The Speaker referred House Bill No. 1138 to the Committee on State and Local Government.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 404, 515, 607, 717, 909 and 1170; House Resolution No. 22; and House Joint Resolution No. 163.

MURPHY (Shelby), *Chairman.*

Under the rules, House Bills Nos. 404, 515, 607, 717, 909 and 1170, House Resolution No. 22, and House Joint Resolution No. 163 were transmitted to the Committee on Calendar and Rules.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 437, 474 (with amendment), 618, 781 (with amendment), 864, 1086 (with amendment), 1101, 1107 (with amendment), 1135 (with amendment), 1159, 1165, 1219 and 1226; and House Joint Resolution No. 157 and further recommend that pursuant to House Rule No. 70, House Bill No. 1086 (with amendment) be referred to the committee on Finance, Ways and Means.

MILLER, *Chairman.*

Under the rules, House Bills Nos. 437, 474, 618, 781, 864, 1101, 1107, 1135, 1159, 1165, 1219 and 1226, and House Joint Resolution No. 157 were transmitted to the Committee on

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Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 1086 to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 6 (with amendment), 813 (with amendment), 878 (with amendment) and 1280.

ROBINSON (Davidson), *Chairman*.

Under the rules, House Bills Nos. 6, 813, 878 and 1280 were transmitted to the Committee on Calendar and Rules.

LOCAL BILL TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bill having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 969.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 16, 1981: House Bill No. 581, House Joint Resolution No. 130, and House Bill No. 478.

GILL, *Chairman*.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 101—Henry (Blount)

House Bill No. 556—Bell (Wilson)

House Bill No. 1062—Love

House Bill No. 1160—Bell (Wilson)

House Bill No. 1204—Bell (Wilson)

House Bill No. 1205—Bell (Wilson)

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 138, 276, 413, 443, 604, 680, 755, 792, 843, 897, 926, 982, 995, 1089, 1095, 1129, 1172, 1205, 1229, 1247, 1248, 1261, 1262, 1263, 1264, 1266, 1268, 1271 and 1275; and House Joint Resolutions Nos. 88, 168, 169, 170, 172, 173, 175, 177, 179, 180, 181, 182, 183, 184 and 191; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Burnett the House adjourned until 10:00 a.m. tomorrow.